

CAUSE NO.: **C-3868-20-G**

FLORENCIO SENDEJO

VS.

WAL-MART STORES TEXAS LLC

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IN THE \_\_\_\_ JUDICIAL DISTRICT

COURT OF

HIDALGO COUNTY, TEXAS

EXHIBIT

**A****PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES FLORENCIO SENDEJO, hereinafter referred to as Plaintiff, and files this, his Original Petition against WAL-MART STORES TEXAS LLC, hereinafter referred to as Defendant, and for cause of action will show the Court the following:

**DISCOVERY CONTROL PLAN - BY RULE (LEVEL 3)**

1. Plaintiff intends to conduct discovery under Level 3 as provided by Rule 190 of the Texas Rules of Civil Procedure.

**CLAIM FOR RELIEF**

2. Plaintiff is seeking monetary relief from Defendant in the amount of \$75,000.00, as compensation for his damages.

**PARTIES**

3. Plaintiff Florencio Sendejo is an individual who resides in Mission, Hidalgo County, Texas.

4. Defendant Wal-Mart Stores Texas LLC is a duly licensed limited liability company in Texas. Defendant Wal-Mart Stores Texas LLC may be served with process by serving its registered agent, C.T. Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

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**VENUE AND JURISDICTION**

5. The incident described hereinbelow or events giving rise to Plaintiff's claim against Defendant arose in Penitas, Hidalgo County, Texas. Venue for this cause of action therefore lies in Hidalgo County, Texas.

6. The damages that Plaintiff is seeking from Defendant are within the jurisdictional limits of the Court. This Court therefore has jurisdiction of this cause of action.

**FACTS**

7. On June 2, 2020, at approximately 5:00 p.m., Plaintiff was shopping at Defendant's Wal-Mart store located in Penitas, Hidalgo County, Texas, for business purposes. Plaintiff was walking near a doorway to exit the store, tripped, fell to the floor, and suffered injuries and damages. Defendant's employees placed a mat on the floor in front of the doorway that was worn, dilapidated, light in weight, flimsy, and not secured to the floor. The mat caused Plaintiff to trip and fall. The mat flipped up and/or over when Plaintiff tripped on the mat and fell. Defendant had mats on the floor near the doorway in the adjacent vestibule that were taped to the floor. The mat that caused Plaintiff to trip and fall was not taped to the floor. Defendant created the dangerous condition on its store premises that caused Plaintiff to trip and fall by its employees placing the flimsy mat on the floor in an unsecured manner. Knowledge of the dangerous condition is therefore imputed on Defendant under Texas Premises Liability Law.

**CAUSE OF ACTION BASED ON**  
**PREMISES LIABILITY LAW AND PROXIMATE CAUSE**

8. At all time that is material to the incident described hereinabove and this case, Defendant was negligent under premises liability law in that: A. Plaintiff was a business invitee, B. Defendant owned, possessed, and/or controlled the premises where the incident described hereinabove occurred, C. A condition on the premises, the flimsy and dilapidated mat that was on the floor in an unsecured manner, as described in the preceding paragraph,

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posed an unreasonable risk of harm, D. Defendant knew or reasonably should have known of the danger posed by the condition, and E. Defendant breached its duty of ordinary care by failing to adequately warn Plaintiff of the condition and failing to make the condition reasonably safe. This negligence by Defendant was the sole proximate cause or a proximate cause of the incident described hereinabove and of the injuries and damages suffered by Plaintiff, as set out hereinbelow.

**DAMAGES**

9. As a proximate cause of the negligence of Defendant in causing the incident described hereinabove, Plaintiff suffered injuries, suffered physical pain and mental anguish in the past, will suffer physical pain and mental anguish in the future, suffered physical impairment in the past, will suffer physical impairment in the future, suffered physical disfigurement in the past, will suffer physical disfigurement in the future, incurred medical expenses in the past, and will incur medical expenses in the future. Plaintiff is seeking monetary relief from Defendant in the amount of \$75,000.00, as compensation for his damages.

**VICARIOUS LIABILITY**

10. At all time that is material to the incident described hereinabove and this case, Defendant's employees acted within the course, scope, and authority of their employment and/or agency relationship with Defendant. Defendant should therefore be held vicariously liable to Plaintiff for all of Plaintiff's damages alleged herein.

**PREJUDGMENT AND POSTJUDGMENT INTEREST**

11. Plaintiff further sues Defendant herein for prejudgment interest at the maximum rate allowed by law on those damages where such interest may be assessed and for postjudgment interest at the maximum rate allowed by law on all of Plaintiff's damages from the date of judgment until the judgment is paid in full.

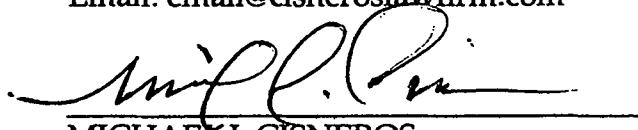
**C-3868-20-G****REQUEST FOR JURY AND JURY FEE**

12. Plaintiff requests that the above-styled and numbered cause be tried to a jury and represents to the Court that the proper jury fee has been paid to the Clerk of this Court with the filing of Plaintiff's Original Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing, he have judgment against Defendant for all of his damages hereinabove alleged, for prejudgment and postjudgment interest, and for any and all other relief, both general and special, in law and in equity, and for all costs of Court in his behalf expended.

Respectfully Submitted,

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